## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

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CLERK U.S DISTRIC WESTERN DISTRICT

## ORDER ON REPORT AND RECOMMENDATION

Before the court are: (1) Defendants' Motion for Attorney's Fees, filed June 24, 2022 (Doc. #37); (2) Plaintiff's Response to Defendant's Motion for Attorneys' Fees, filed July 8, 2022 (Doc. #38); and (3) Defendants' Reply in Support of its Motion for Attorney's Fees, filed July 15, 2022 (Doc. #39). The motion, response, and reply were referred to the United States Magistrate Judge for Report and Recommendation as to the merits pursuant to 28 U.S.C. § 636(b), Rule 72 of the Federal Rules of Civil Procedure, and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas. The magistrate judge filed a Report and Recommendation on December 6, 2022 (Doc. #41), recommending that this court grant Defendants' Motion for Attorney's Fees, filed June 24, 2022 (Doc. #37), and award attorney's fees in the amount of \$73,892.00.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the Report and Recommendation, and thereby secure a *de novo* review by the district court. A party's failure to

timely file written objections to the proposed findings, conclusions, and recommendation in a Report

and Recommendation bars that party, except upon grounds of plain error, from attacking on appeal

the unobjected-to proposed factual findings and legal conclusions accepted by the district court. See

Douglass v. United Services Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc).

The parties in this cause were properly notified of the consequences of a failure to file

objections. Objections to the Report and Recommendation were due December 20, 2022. As of the

date of this order, no party has filed objections to the findings of fact and conclusions of law in the

report and recommendation. The court, having reviewed the entire record and finding no plain error,

accepts and adopts the Report and Recommendation of the magistrate judge for substantially the

reasons stated therein.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States

Magistrate Judge, filed December 6, 2022 (Doc. #41), is APPROVED and ACCEPTED as set forth

herein.

IT IS FURTHER ORDERED that Defendants' Motion for Attorney's Fees, filed June 24,

2022 (Doc. #37), is **GRANTED**. Defendants shall recover their attorney's fees from Plaintiff in the

amount of \$73,892.00.

SIGNED this \_\_\_\_\_\_ day of December, 2022.

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